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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,802	11/03/2003	Thomas Poslinski	81099/7114	6271
37123 7590 05/25/2010 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
SHIBRU, HELEN				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
05/25/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,802

Applicant(s)

POSILINSKI ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2 and 5-7 is/are rejected.
7) ☒ Claim(s) 5-6 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/01/2010 has been entered.

Response to Amendment

2. The amendments, filed 03/01/2010 have been entered and made of record. Claims 1-2, 5-7 are pending claims 3-4 and 8-16 cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 5 and 6 are objected to because of the following informalities: claims 5 and 6 depends on cancelled claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono (US Pat. No. 5, 872, 905).

Regarding claim 1, Ono discloses a method for increasing the available storage space in a memory comprising the step of:

storing a file in the memory (see figure 1 magnetic disk apparatus 4 which holds disk characteristic list, managing information and data files, see figure 4, which shows file1, file2, file3, file4), the file including a first portion contained in a first physical memory area of the memory (see file3 in file list area 66 and fourth data information 59 in data area list 67) and a second portion contained in a second physical memory area of the memory (see in figure 4 file1 and file2 in file list 66 and data information 56, 57 or 58 in data area 67) and a third portion contained in a third physical memory area (see in figure 4 file4 in file list 66 and fifth data information 60 in data area 67; see col. 12 lines 39-47 where the prior art teaches deleting a portion of a file performed in similar manner; see col. 8 lines 42-55);

defining in the memory a free memory list (see empty area in figure 4, 68 first empty area list indicating empty area information list and 69 indicating second empty area information stored in a second empty area list), the free memory list exclusively defining deallocated memory portions (see figure 5 which shows the empty area list 68 with deallocated memory portion (3001-4000)), the free memory list being contained in a fourth physical area of the memory (see figures 4 and 5 empty area list 68 from 10000-100000 (68) and 5801-6000 (69)) is, the free memory list being configured to vary in size over time (see figure 5 after deleting file3, file3 included in empty area and the empty area size becomes different from before the deletion process performed, see also figure 4);

selecting the first portion of the file for deletion (see figures 3, 4, and 5, col. 8 line 59-col. 9 line 14, command issued to delete file 3);

deallocating the first portion of the file and appending the deallocated first portion of the file to the free memory list (see figure 5 which shows deallocating file3 and adding to the empty area list) ; and

amending the file to link the second portion of the file with the third portion of the file (see col. 9 lines 15-36 the fifth area information moved forward, file 4 moved forward; see also figure 5 where the prior art shows 56, linked to 57, 57 to 58 and 58 to 60 in data area list 67, and 51 linked to 52 and 52 linked to 54 in file list 66).

Regarding claims 2 and 5, Ono teaches the file is an audio file or video file (see figure 1 which shows video recording apparatus and col. 7 lines 23-36, see also figure 13 and col. 16 lines 11-19).

Regarding claims 6-7 Ono teaches the memory is a memory of a personal video recorder (see figure 13 and col. 24-62, video and audio signal input from a tuner, and a record/playback circuit 109 is a circuit for recording the inputted video and audio signal in the magnetic disk apparatus 110).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sturges (US Pat. No. 5, 930, 827) discloses allocating blocks in memory.

Orr (US Pat. No. 6, 831, 652) discloses allocating and dellocating data in memory.

Challenger (US Pat. No. 6, 643, 754) discloses deallocating block of data and adding to free block.

Glass (US Pat. No. 7, 042, 471) discloses magnetic disk in a PVR.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
May 11, 2010